

FILED '07 NOV 20 14:49 USDC-ORI

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LENNIE TY DAVIDSON,

Plaintiff,

Civil No. 07-3081-CL

v.

FINDINGS AND  
RECOMMENDATION

UNKNOWN DEPUTY, et al.,

Defendants.

CLARKE, Magistrate Judge.

Plaintiff's Application to Proceed in forma pauperis (#4) is allowed. However, for the reasons set forth below, plaintiff's complaint should be dismissed without service of process.

Plaintiff alleges that an "Unknown Deputy Sheriff" improperly opened his legal mail which resulted in "sensitive

issues" having to do with his "past work for the FBI" being discovered by others, and placed his life in danger.

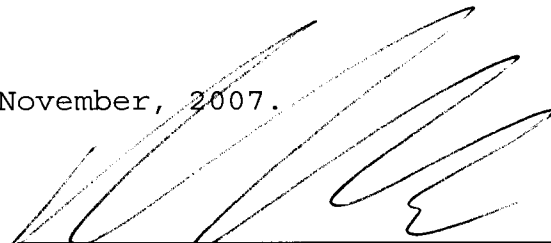
These allegations are substantially similar to those in Civ. No. 07-1304-CL, presently pending before this court.

Accordingly, this action should be dismissed without prejudice to incorporate any claims set forth in this action into Civ. No. 07-1304-CL.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten days from the date of service of a copy of this recommendation within which to file specific written objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issue and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judges's

recommendation.

DATED this 20 day of November, 2007.

A handwritten signature in black ink, appearing to read 'Mark D. Clarke', is written over a horizontal line.

Mark D. Clarke  
United States Magistrate Judge